

Date: September 17, 2019

To: Weber County Board of County Commissioners

From: Sean Wilkinson, AICP

Director, Community Development Department

Subject: Request for Approval of a \$70,000 Donation of Impact Fees to Weber Pathways for the

Pineview Loop Pathway (Winters Grove to Old Snowbasin Road)

Agenda Date: September 24, 2019

Documents: Exhibit A: Weber Pathways Request

Exhibit B: Project Income and Expense Report Exhibit C: Memorandum of Understanding

Summary:

Weber Pathways is requesting an impact fee donation of \$70,000 for engineering and construction related expenses on a segment of the Pineview Loop Pathway (Winters Grove to Old Snowbasin Road). The project, consisting of asphalting one half mile of pathway and constructing a new bridge, was completed in June 2019 at a cost of \$288,922. The requested impact fee donation will help cover cost overruns due to flooding and other issues experienced on this segment of the pathway, which connects Huntsville Town to 7450 East near Highway 39. The requested donation will come from the Upper Valley Trails Impact Fee account and the project is part of the approved impact fee trails plan. Earlier this year, Weber County donated \$100,000 to Weber Pathways for a new segment of this same pathway.

On June 18, 2019, the County Commission approved a memorandum of understanding (MOU) with Weber Pathways for all future impact fee donations. This MOU eliminates the need for a separate agreement with each donation request. Weber Pathways will apply to the County for future Impact fee donations and reference this MOU as the basis for compliance and approval.

Recommendation:

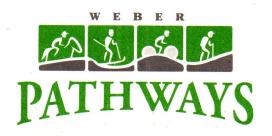
Approve the donation of \$70,000 from the Upper Valley Trails Impact Fee account for engineering and construction related expenses on a new section of the Pineview Loop Pathway (Winters Grove to Old Snowbasin Road).

Fiscal Impact:

Weber County will spend \$70,000 from the Upper Valley Trails Impact Fee account. There are sufficient funds in the account to cover this expense¹.

¹ The Upper Valley Trails impact fee fund balance was approximately \$337,000 at the end of 2018. This number does not include additional revenues collected in 2019.

Exhibit A



EXECUTIVE COMMITTEE

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STAFF

Mark Benigni. Executive Director Clay Christensen, Assistant ED Julia Heavirland, Project Manager

Greg Sneddon, IT Specialist

July 11, 2019

Sean Wilkinson
Director, Weber County Community & Economic Development
444 – 24th Street
Ogden, UT 84401

Dear Sean,

This is a request for a donation of \$70,000 to Weber Pathways from the trail-related impact fee fund to support the construction work that was performed on the Winters Grove section of the Pineview Loop Pathway. This project placed asphalt on a 1/2 mile of pathway and replaced a condemned, 100-year old bridge. The segment connects Huntsville Town to 7450 East near Hwy 39.

The project was scheduled to start early-2017. The project had to be rescoped after the spring runoff in 2017 caused extensive flooding to this area. It nearly washed away the proposed bridge site. The rescoping included redesigning the bridge abutments, the bridge and major realignment reconstruction to the South Fork River to prevent the new bridge from washing out.

The project was completed in June 2019 at total cost of \$288,922. The detailed expense records are available for the County's review.

Please feel free to contact me should you need additional information on these projects.

Sincerely,

Mark Benigni

Executive Director

Accrual Basis

Weber Pathways Profit & Loss Detail

Exhibit B

Page 1

Winters Grove Project

Date	Name Memo		Amount
Ordinary Income Income	/Expense		
Grants	Wahan Caunty Camanatian BAMB	DID lefferen	405 500 00
06/09/2017 05/23/2018	Weber County Corporation RAMP Weber County Corporation RAMP	PLP - Jefferson RAMP Rec & Parks grant	125,500.00 44,245.00
Total G	rants		169,745.00
	Donations - Services		
12/01/2018 12/01/2018	Civil Engineering Consultants Civil Engineering Consultants	In-Kind Services - Invoice 6957 4/23/18 - see attached In-kind Services - Invoice 7281 10/8/18 see attached	230.00 210.88
12/01/2018	Civil Engineering Consultants	In-kind services - Invoice 7317 11/5/18 see attached	1,110.00
12/01/2018 12/01/2018	Civil Engineering Consultants Civil Engineering Consultants	In-kind Services - Invoice 7345 11/19/18 see attached In-kind services - Invoice 7018 6/4/18 see attached	839.25 650.25
12/01/2018	Civil Engineering Consultants Civil Engineering Consultants	In-kind Services - Invoice 7018 0/4/18 see attached	1,880.00
12/01/2018	Civil Engineering Consultants	In-kind Services - Invoice 6932 4/9/18 see attached	1,246.75
Total In	-Kind Donations - Services	-	6,167.13
Total Incom	ne	-	175,912.13
Gross Profit			175,912.13
Expense Prograi	m Expense		
	o Mileage	0.10.4.10	40.05
09/30/2017 06/30/2018	Mark S Benigni Julia R Heavirland	3rd Quarter Mileage 2nd Quarter Mileage	16.05 8.72
09/30/2018	Julia R Heavirland	Mileage - 3rd Quarter	16.80
12/31/2018 12/31/2018	Julia R Heavirland Daniel Araya	4th Quarter 2018 - Mileage 4th Quarter 2018 - Mileage	56.95 42.52
Tota	l Auto Mileage	·	141.04
	struction and projects		
10/23/2017	Engineering Fees Civil Engineering Consultants, PLLC	Met with Dick Mechem on site in Huntsville and discussed	229.50
10/23/2017	Civil Engineering Consultants, PLLC	Site visit with Kurt Marchant and Dick Mechem	240.00
10/23/2017	Civil Engineering Consultants, PLLC	Prepare cost extimate	140.00
10/23/2017 10/23/2017	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Met with Ricky Kap in Huntsville to discuss scope of work a Met with Kap and Kurt Marchant, call with Mark at WP	267.75 240.00
10/23/2017	Civil Engineering Consultants, PLLC	Reviewed cost estimate from Scott Nelson and verified qty,	191.25
10/23/2017	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Prepare cost estimate	160.00
10/23/2017 10/23/2017	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Request utility locations, utility company look up and contac Site Visit - Travel	57.38 48.00
11/06/2017	Civil Engineering Consultants, PLLC	Prepare cost estimate and project research. Calles with Ma	360.00
11/06/2017 11/06/2017	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Research and locate local monuments prior to field survey Set control on site, survey Pine View Reservoir spillway to	200.00 603.75
11/20/2017	Civil Engineering Consultants, PLLC	Prepare cost estimate and calls on bridge cost for concrete	220.00
12/04/2017	Civil Engineering Consultants, PLLC	Prepare and design on Jefferson Hunt	617.25
01/15/2018 01/15/2018	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Reviewed contract documents and printed set of document Site visit with Allen Wheelwright, review progress with contr	95.63 200.00
01/15/2018	Civil Engineering Consultants, PLLC	Prepare bridge design specifications and bid documents	260.00
01/15/2018	Civil Engineering Consultants, PLLC	Prepare contract documents	280.00
01/15/2018 01/15/2018	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Prepare design, calls with Big R Bridge and Contech Engin Prepare design drawings	378.25 700.00
01/15/2018	Civil Engineering Consultants, PLLC	Site visit	20.00
01/29/2018	Civil Engineering Consultants, PLLC	Design Modify Drawings	480.00 67.00
01/29/2018 01/29/2018	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Prepare documents and deliver with review with Alan Whee	480.00
01/29/2018	Civil Engineering Consultants, PLLC	Finish specifications and prepare bid documents for bid of s	100.00
01/29/2018 01/29/2018	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Call with Alan for approval to advertise and send out bids, Travel - Deliver docs to Alan Wheelwright	160.00 22.50
02/12/2018	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Call with fabrication contractor, prpe of bid docs, research s	2,025.75
02/12/2018	Civil Engineering Consultants, PLLC	Travel	14.00
02/26/2018 12/01/2018	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Design and bid opening with Alan, verified flow under bridg 2/28/18-3/9/18 Jefferson Hunt - See attached	1,530.00 759.00
12/01/2018	Civil Engineering Consultants, PLLC	3/23/2018 Jefferson Hunt - See attached	626.25
12/01/2018 12/01/2018	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	6/6/2018-6/15/2018 Jefferson Hunt - See attached 6/20/18-6/27/18 Jefferson Hunt - see attached	723.25 180.00
, 3 ., _ 0 . 0		5 5 5 5, _ 1, 10 00 1	100.00

Weber Pathways Profit & Loss Detail

Winters Grove Project

Date	Name Memo		Amount
12/01/2018 12/01/2018	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	7/5/2018-7/10/2018 Jefferson Hunt - see attached 7/20/2018-7/27/2018 Jefferson Hunt - see attached	226.50 652.75
12/01/2018	Civil Engineering Consultants, PLLC	9/26/2018-10/3/2018 Jefferson Hunt - see attached	367.62
12/03/2018	Civil Engineering Consultants, PLLC	Prepare payment request for Big R Bridge	140.00
04/22/2019 05/06/2019	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	set up file, onsite re-setting centerline nails and surveying e 4/25/19-5/2/19 - calculate centerline grades again, calculat	962.50 721.25
05/06/2019	Civil Engineering Consultants, PLLC	Surveying - restake centerline with nail and red whisker, pro	546.25
05/20/2019	Civil Engineering Consultants, PLLC	5/6/19-5/14/19 - Prepare change order, locate original pay	870.00
05/20/2019	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Travel - site visit, site inspection and observe testing	74.00
05/20/2019 06/03/2019	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Geotechnical Expenses - geotechnical test for roadway surf Review complaints from Oscar at the Forest Service with M	434.70 300.00
06/03/2019	Civil Engineering Consultants, PLLC	Review concrete test results with Justin Bule at JB Parsons	100.00
06/03/2019 06/03/2019	Civil Engineering Consultants, PLLC Civil Engineering Consultants, PLLC	Advanced Paving and construction Final Payment Request. Prepare Final Payment Request, Balancing Change order a	65.00 130.00
00/00/2010	Total Engineering Fees	riopare i mari ayment request, Balanong Ghange order a	18,267.08
	Engineering Fees - in-kind		,
12/01/2018	Civil Engineering Consultants, PLLC	In-kind services	6,167.13
	Total Engineering Fees - in-kind		6,167.13
12/01/2018	Licenses and Permits Civil Engineering Consultants, PLLC	4/26/18 Reimbursement - Stream Alteration permit fee	100.00
	Total Licenses and Permits		100.00
	Construction and projects - Other		
06/15/2018 11/29/2018	BIG R Bridge Advanced Paving & Constr LLC	Weber Pathways Pedestrian Bridge Design & Fabrication 1 Mobilization, insurance, bonds and SWPPP	6,412.50 12,375.00
11/29/2018	Advanced Paving & Constr LLC Advanced Paving & Constr LLC	Constructio nof concrete bridge abutments	48,500.00
11/29/2018	Advanced Paving & Constr LLC	Placement of the steel truss bridge and construction of the	9,960.00
11/29/2018 11/29/2018	Advanced Paving & Constr LLC Advanced Paving & Constr LLC	Furnish and install riprap for the river bank armoring Grubbing grading and compaction of the sub-base material	5,190.00 6,600.00
11/29/2018	Advanced Paving & Constr LLC Advanced Paving & Constr LLC	Furnish and install untreated roadbase materials	17,023.60
11/29/2018	Advanced Paving & Constr LLC	Furnish and install riprap for the river bank armoring	7,043.70
11/29/2018 12/26/2018	Advanced Paving & Constr LLC BIG R Bridge	Furnish and install bollards Weber Pathways Pedestrian Bridge Design & Fabrication 1	-5,500.00 25,747.50
05/29/2019	Advanced Paving & Constr LLC	Mobilization, insurancxe, bonds and SWPP	4,125.00
05/29/2019	Advanced Paving & Constr LLC	Placement of the steel truss bridge and construction of con	3,320.00
05/29/2019	Advanced Paving & Constr LLC	Furnish and install riprap for the river bank armoring	7,043.70
05/29/2019 05/29/2019	Advanced Paving & Constr LLC Advanced Paving & Constr LLC	Grubbing, grading and compaction of the subbase material Furnish and install untreated roadbase materials	6,600.00 31,521.40
05/29/2019	Advanced Paving & Constr LLC	Furnish and install bituminous asphalt paving materials	44,064.90
05/29/2019	Advanced Paving & Constr LLC	Furnish and install willow brush root barrier fabric trench alo	4,215.00
05/29/2019 05/29/2019	Advanced Paving & Constr LLC Advanced Paving & Constr LLC	Furnish and install flexible surface mount delineators, as pe Furnish and install riprap for trail protection North End 5/15/	400.00 1,638.31
05/29/2019	Advanced Paving & Constr LLC	Furnish and install additional untreated roadbase materials	18,132.11
05/29/2019	Advanced Paving & Constr LLC	Change order - paid in 2018	-1,543.71
-	Total Construction and projects - Other		252,869.01
	otal Construction and projects		277,403.22
	Program Expense ct management fees		277,544.20
04/30/2017	ot management 1666	Allocate Mark Benigni's time 4/1/2017-4/30/2017 @ \$65/ho	65.00
07/31/2017		Allocate Mark Benigni's time 7/1/2017-7/31/2017 @ \$65/ho	195.00
11/30/2017 12/31/2017		Allocate Mark Benigni's time 11/1/2017-11/30/2017 @ \$65 Allocate Mark Benigni's time 12/1/2017-12/31/2017 @ \$65	227.50 65.00
02/28/2018		Allocate Mark Benigni's time 2/1/2017-12/31/2017 @ \$05 Allocate Mark Benigni's time 2/1/2018-2/28/2018 @ \$65/h	390.00
03/31/2018		Allocate Mark Benigni's time 3/1/2018-3/31/2018 @ \$65/h	260.00
04/30/2018 05/31/2018		Allocate Mark Benigni's time 4/1/2018-4/30/2018 @ \$65/h Allocate Mark Benigni's time 5/1/2018-5/31/2018 @ \$65/h	195.00 65.00
06/30/2018		Allocate Mark Benigni's time 6/1/2018-6/30/2018 @ \$65/h	130.00
06/30/2018		Allocate Julia Heavirland's time 6/1/2018-6/30/2018 @ \$5	125.00
07/31/2018 08/31/2018		Allocate Mark Benigni's time 7/1/2018-7/31/2018 @ \$65/h Allocate Julia Heavirland's time 8/12018-8/31/2018 @ \$50	300.00 50.00
08/31/2018		Allocate Mark Benigni's time 8/1/2018-8/31/2018 @ \$50	130.00

Weber Pathways Profit & Loss Detail

Winters Grove Project

Date Name	Memo	Amount
09/30/2018	Allocate Julia Heavirland's time 9/1/2018-9/30/2018 @ \$5	150.00
10/31/2018	Allocate Mark Benigni's time 10/1/2018-10/31/2018 @ \$65	552.50
10/31/2018	Allocate Julia Heavirland's time 10/1/2018-10/31/2018 @	350.00
11/30/2018	Allocate Julia Heavirland's time 11/1/2018-11/30/2018 @	375.00
11/30/2018	Allocate Mark Benigni's time 11/1/2018-11/30/2018 @ \$65	65.00
12/31/2018	Allocate Mark Benigni's time 12/1/2018-12/31/2018 @ \$65	390.00
12/31/2018	Allocate Julia Heavirland's time 12/1/2018-12/31/2018 @	350.00
02/28/2019	Allocate Julia Heavirland's time 2/1/2019-2/28/2019 @ \$5	200.00
04/30/2019	Allocate Julia Heavirland's time 4/1/2019-4/30/2019 @ \$5	150.00
05/31/2019	Allocate Clay Christensen's time 5/1/2019-5/31/2019 @ \$5	110.00
05/31/2019	Allocate Julia Heavirland's time 5/1/2019-5/31/2019 @ \$5	700.00
05/31/2019	Allocate Mark Benigni's time 5/1/2019-5/31/2019 @ \$65/ho	260.00
Total Project management fees	_	5,850.00
Total Expense	_	283,394.26
et Ordinary Income	_	-107,482.13
Income	_	-107,482.13

Exhibit C

MEMORANDUM OF UNDERSTANDING BETWEEN WEBER PATHWAYS AND WEBER COUNTY



- 1. **PURPOSE:** To guarantee that Weber Pathways will use Weber County's donated impact fees in accordance with the approved Weber County Trails Impact Fee Facilities Plan and applicable County and State laws, ordinances, and policies. The County Commission finds that this donation will contribute to the safety, health, comfort, and convenience of county residents.
- 2. **SCOPE:** This Memorandum of Understanding (MOU) for the donation and use of impact fees is made between Weber Pathways and Weber County.
- 3. UNDERSTANDING, AGREEMENTS, AND SUPPORT REQUIREMENTS:
 - A. Weber Pathways is a nonprofit 501(c)(3) organization with a mission to "plan, promote, construct, and protect a network of public pathways, trails, and related open spaces for non-motorized users throughout the greater Weber County area."
 - B. Weber County intends to donate impact fees to Weber Pathways for the purpose of planning and building pathways and trails in unincorporated Weber County.
 - C. To receive donations of impact fees, Weber Pathways must apply to the County, specifying which projects the impact fees will be used for. If Weber Pathways wants to use donated impact fees for projects not included in the original application, it must file a new application seeking authorization to use the funds for other projects. Projects must be included in Weber County's Trails Impact Fee Facilities Plan.
 - D. Weber Pathways will only use Weber County's impact fee donations for engineering, environmental review, surveying, permitting, construction, project management, and any other project-specific tasks necessary to complete approved projects.
 - E. Weber Pathways will comply with all applicable County and State laws, ordinances, and policies.
 - F. Weber Pathways will account for the expenditure of impact fees and will provide updates to Weber County upon request.
 - G. Weber Pathways will defend, indemnify, and hold harmless County, its officers, agents, and employees from and against any claims or suits that arise as a result of impact fee donations, including improper use of impact fees.
- 4. **EFFECTIVE DATE:** This MOU is effective upon signature by both parties and will remain in effect until modified, replaced, or terminated by agreement of the parties.
- 5. **MODIFICATION:** Modification of this agreement requires written notification and approval by both parties 30 days in advance.

- 6. GOVERNING LAW: The laws of the State of Utah shall govern the validity, construction, enforcement, and interpretation of this agreement.
- 7. ENTIRE AGREEMENT: This agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, and no other statement, whether written or oral, shall be deemed a part of this agreement unless specifically incorporated herein by reference.
- 8. SIGNATURES: In witness whereof the undersigned have affixed their respective signatures hereto on the dates indicated below.

BOARD	OF CO	UNTY	COMN	MISSIO	NERS
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OF WEBER COUNTY

Commissioner Jenkins voted Commissioner Froerer voted Commissioner Harvey voted

ATTEST:

Date:

Ricky D. Hatch, CPA

Weber County Clerk/Auditor

Mark Benigni, Executive Director

Subscribed and sworn to before me this 13 day of

Notary Public

RONNA TIDWELL lotary Public - State of Utah Comm. No. 700516 Commission Expires on

2019.

May 17, 2022